

SCOTT N. SCHOOLS, SC SBN 9990  
 United States Attorney  
 JOANN M. SWANSON, CSBN 88143  
 Assistant United States Attorney  
 Chief, Civil Division  
 MELANIE L. PROCTOR, CSBN 228971  
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-6730  
 FAX: (415) 436-6927

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

|  |   |                                  |
|--|---|----------------------------------|
| JASWINDER KAUR,                                  | ) |                                  |
|  | ) | No. C 07-4993 EMC                |
| Plaintiff,                                       | ) |                                  |
|  | ) |                                  |
| v.   | ) | STIPULATION TO TRANSFER VENUE OF |
|  | ) | ACTION TO EASTERN DISTRICT OF    |
| ROBERT S. MUELLER, III, Director,                | ) | CALIFORNIA AND [PROPOSED] ORDER  |
| Federal Bureau of Investigation;                 | ) |                                  |
| MICHAEL CHERTOFF, Secretary,                     | ) | [28 U.S.C. § 1406(a)]            |
| Department of Homeland Security;                 | ) |                                  |
| EMILIO GONZALES, Director, U.S.                  | ) |                                  |
| Citizenship and Immigration Services (USCIS);    | ) |                                  |
| DAVID STILL, District Director, USCIS;           | ) |                                  |
| Doe 1, Bakersfield Field Office Director, USCIS, | ) |                                  |
|  | ) |                                  |
| Defendants.                                      | ) |                                  |
|  | ) |                                  |

This is an action arising under 8 U.S.C. § 1447(b). Plaintiff, a resident of Modesto, California, alleges that she attended an interview on her naturalization application on November 14, 2005 and February 2, 2006, but the application remains unadjudicated. Defendants contest the status of her application.

Pursuant to 8 U.S.C. § 1447(b), if there is failure to make a naturalization determination 120 days or more after the date of a naturalization examination, the applicant may apply to the United States District Court for the district in which the applicant resides for a hearing on the matter.

Modesto, California is located in Stanislaus County, in the Eastern District of California. 28

U.S.C. § 84(a). Accordingly, venue for this action is proper in the Eastern District, but not in this District.

The parties to this action, by and through their attorneys, hereby stipulate and request of the Court that this action should be transferred to the Eastern District of California pursuant to 28 U.S.C. § 1406(a). Section 1406(a) provides:

The district court of a district in which is filed a case laying in venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

Because venue is proper only in the Eastern District, the parties believe that the interests of justice require that this action be transferred to the United States District Court for the Eastern District of California.

In addition, the time for a response to the complaint has not yet run, and in view of the uncertainty as to when this action will be docketed and assigned to a judge in the Eastern District of California, the parties further stipulate and request of the Court that the time for the Defendants to answer, move, plead or otherwise respond to the Complaint should be extended to 40 days after the date the action is docketed and assigned to a judge in the Eastern District of California.

Date: December 6, 2007

Respectfully submitted,

SCOTT N. SCHOOLS  
United States Attorney

\_\_\_\_\_/s/\_\_\_\_\_  
MELANIE L. PROCTOR  
Assistant United States Attorney  
Attorneys for Defendants

Date: December 6, 2007

\_\_\_\_\_/s/\_\_\_\_\_  
MADAN AHLUWALIA  
Attorney for Plaintiff

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**ORDER**

The foregoing stipulation is approved and this action is hereby transferred to the United States District Court for the Eastern District of California, the judicial district in which this case should have been brought. The time for Defendants to answer, move, plead or otherwise respond to the Plaintiff's Complaint shall be extended to 40 days after the action is docketed, and a judge assigned, in the Eastern District of California. IT IS SO ORDERED.

Date:

\_\_\_\_\_  
EDWARD CHEN  
United States Magistrate Judge